

MIKE PENCE  
SIXTH DISTRICT, INDIANA

DEPUTY MAJORITY WHIP

COMMITTEES  
AGRICULTURE  
JUDICIARY  
INTERNATIONAL RELATIONS

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1402

WASHINGTON OFFICE  
1605 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3021  
FAX: (202) 225-3382

DISTRICT OFFICES  
1134 MERIDIAN PLAZA  
ANDERSON, IN 46016  
(765) 640-2919  
FAX: (765) 640-2922

220 EAST MAIN STREET  
MUNCIE, IN 47305  
(765) 747-5566  
FAX: (765) 747-5586

50 NORTH 5TH STREET  
RICHMOND, IN 47374  
(765) 962-2883  
FAX: (765) 962-3225

February 4, 2005

U.S. Environmental Protection Agency  
Congressional Liaison Office  
Arial Rios Bldg., North  
1200 Pennsylvania Ave. N.W., Room 3426  
Washington, DC 20460

Gentlemen:

My constituent, (b) (6) of Ball State University, has contacted me concerning problems he is experiencing with obtaining permission to access a dump site to conduct field research.

I would appreciate it if you would review the enclosed copies of correspondence and provide me with any information that may be helpful to address my constituent's concerns. Please direct your response to the following address:

Congressman Mike Pence  
50 N. 5<sup>th</sup> Street  
Richmond, IN 47374

I am grateful for any assistance you may be able to provide in this matter. Should you have any questions, you may contact my office at (765) 962-2883 FAX: (765) 962-3225.

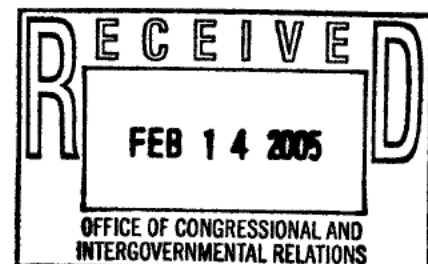
I look forward to hearing from you.

Sincerely,



Mike Pence  
Member of Congress  
Sixth District, Indiana

MP:db  
Enclosure





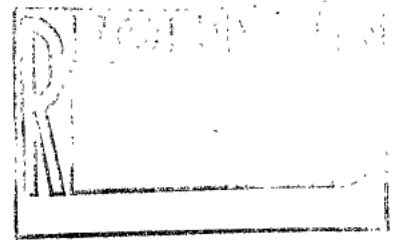
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL MANAGEMENT

Muncie, Indiana 47306-0495  
Phone: 765-285-5780  
Fax: 765-285-2606

27 January 2005

Office of Congressman Mike Pence  
50 N. 5<sup>th</sup> Street  
Richmond, IN 47374

Dear Congressman Pence:



Thank you for your prompt response to my request for assistance.

Since March 2000 I have been conducting field research at the Memorial Drive Dump Superfund site, located near the intersection of Burlington Drive and Memorial Drive in Muncie.

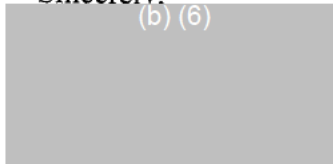
Previously, permission to work at the site was provided by either the U.S. Environmental Protection Agency (Ms. Vernita Simon, 312-886-3601), or the Indiana Department of Environmental Management (Mr. Tim Johnson). At present, the property is no longer in the hands of either agency. According to Ms. Gretchen Cheesman (Mayor's Office, Muncie), there has been discussion of the city acquiring the property (see attached e-mail). Quoting Ms. Cheesman, "Looks like the site is a no-man's land."

I still wish to conduct research at the site, preferably by March of this year, and am requesting permission or some kind of access agreement from your office to continue to do so.

Your cooperation is appreciated. I look forward to hearing from you.

Sincerely,

(b) (6)



Enc.



Congress of the United States  
House of Representatives  
Washington, DC 20515-1402

District Office:  
50 North 5th Street  
Richmond, IN 47374  
(765) 962-2883 PH  
(765) 962-3225 FX

Authorization in Accordance with the 1974 Privacy Act

Name: (b) (6) Date of Birth: (b) (6)  
Address: (b) (6)  
City: (b) (6) State: (b) (6) Zip: (b) (6)  
Home Phone: (b) (6) Work Phone: (b) (6)  
Social Security #: (b) (6) Claim #: \_\_\_\_\_

Please describe the specific information you are requesting or the exact nature of the problem you are experiencing. Send copies of any relevant information (**DO NOT SEND ORIGINALS**). Please indicate if you have a representative working for you. Use extra paper if necessary.

Since 2000 I have been conducting field research at the Memorial Drive Dump Superfund site, located near the intersection of Burlington Drive and Memorial Drive in Muncie.

Previously, permission to work at the site was provided by either the U.S. Environmental Protection Agency (Ms. Vernita Simon, 312-886-3601), or the Indiana Department of Environmental Management. At present the property is no longer in the hands of either agency.

I still wish to conduct research at the site. I am requesting permission or some kind of access agreement from your office to continue work at the site.

Thank you.

THE PRIVACY ACT OF 1974 PROHIBITS THE GOVERNMENT FROM REVEALING ANY INFORMATION FROM PERSONAL FILES OF INDIVIDUALS WITHOUT THE EXPRESS PERMISSION OF THE PERSON INVOLVED. DISCLOSURE OF PERSONAL RECORDS TO A MEMBER OF CONGRESS WHO IS ACTING ON BEHALF OF THE CONSTITUENT IS PROHIBITED, UNLESS THE INDIVIDUAL TO WHOM THE RECORD PERTAINS HAS CONSENTED.

I, the undersigned, hereby authorize the office of U. S. Representative Mike Pence to receive information in my file pertinent to his inquiry on my behalf.

SIGNATURE: (b) (6) Date: 1/27/03

(b) (6)

**From:** Gretchen Cheesman - Community Development [gcheesman@cityofmuncie.com]  
**Sent:** Thursday, January 20, 2005 1:55 PM  
**To:** (b) (6)  
**Cc:** Chic Clark  
**Subject:** RE: Memorial Drive Dump Superfund Site

(b) (6)

According to city attorney Chic Clark there has been DISCUSSION of the city acquiring the property. Last Chic heard EPA was supposed to be drafting a purchase agreement. My impression is that he has not heard from them EPA for months. Looks like the site is a no man's land. I doubt if anyone would care if you conduct research there, certainly no one with the City. Maybe a call to Congressman Pence's office would be the quickest way to get an access agreement if you really need one.

Sorry I can't be of more help.

Gretchen

---

**From:** (b) (6)  
**Sent:** Thursday, January 20, 2005 12:49 PM  
**To:** Gretchen Cheesman - Community Development  
**Subject:** Memorial Drive Dump Superfund Site

Hello Gretchen,

I have conducted field research at the Memorial Drive Dump Superfund site located along the White River (Memorial Drive and Burlington Avenue) in Muncie.

It is my understanding, from the Indiana Department of Natural Resources, that the EPA, DOJ and the City of Muncie have worked out a prospective purchaser agreement paving the way for City ownership of the site; however, I am not certain if Muncie has taken title.

If possible, I still wish to conduct small-scale field research at this site. Is your office responsible for its management? If not, could you please direct me to the appropriate office so that I may request permission to continue my work there?

Thank you for your cooperation.

Sincerely,

(b) (6)

1/27/2005

U.S. House of Representatives

Committee on Agriculture

Room 1301, Longworth House Office Building

Washington, DC 20515-6001

(202) 225-2111  
(202) 225-2111

July 27, 2006

The Honorable Stephen L. Johnson  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Johnson:

We write to convey our strong support for the Agency maintaining the provision in its proposed National Ambient Air Quality Standard (NAAQS) to exclude agriculture and mining dust and other similar sources of coarse particulate matter (PM). We are concerned that there is pressure to remove this important provision, which is both legally and scientifically sound. The coarse PM exclusion is critical to our agricultural constituencies, along with the mining industry and other similar sources.

The EPA has legal discretion to finalize its proposed exclusion for non-urban coarse particulate matter. Consistent with the health-based mandates of the Clean Air Act and the science of PM, the D.C. Circuit has long recognized that the "EPA has discretion to define the pollutant termed 'particulate matter' to exclude particulates of a size or composition determined not to present substantial public health or welfare concerns." Alabama Power v Costle, 636 F.2d 323, 370 (D.C. Cir. 1980).

Given the lack of reliable scientific evidence that demonstrates adverse health effects of non-urban coarse PM, regulation of this category of PM would exceed the EPA's statutory authority to set a NAAQS "requisite to protect the public health." As Whitman v. American Trucking Ass'n defines it, the term requisite means "not higher or lower than necessary" in the Clean Air Act. 531 U.S. 457, 476. Inclusion of coarse PM would be a level higher than necessary, and thus would exceed the EPA's statutory mandate.

EPA's coarse PM exclusion is a logical step in that it reflects EPA's growing understanding of the health effects caused by the diverse category of particulate matter. Coarse PM in non-urban areas is dominated by wind-blown non-toxic crustal-related materials such as calcium, aluminum, silicon, magnesium, iron, and primary organic materials such as pollen, spores, and plant and animal debris. The body of scientific evidence does not indicate that coarse PM from non-urban sources such as agriculture, mining and similar sources causes or contributes to adverse health effects.

Finally, the proposed exclusion would not prevent states from imposing reasonable controls on dusts in non-urban areas. States and local governments have a full arsenal of existing laws and powers to control rural and urban dusts under their police powers. Existing laws and powers include nuisance laws, soil conservation laws, and air pollution control laws that are based on available control technology and best management practices.

Because the EPA has determined that the excluded dust does not present substantial health concerns at ambient concentrations, the EPA should not regulate it under its PM NAAQS. Instead, we urge the EPA to maintain the exclusion of agriculture and mining dust and other similar sources of coarse PM.

Thank you in advance for your favorable response.

Bob Gullett

Richard Panto

Fred D. Lucas

John T. S. S. S.

William J. Jenkins

John Hayes

Lee A. A.

Toni Holsh

Mike McIntyre

Bob Gullett

Tom O'Leary

John Brown

Steve King

Marilyn Musgrave

K. T. L.

Joe Schwan

Charles T. Young

Mike Schul

Henry Allen

Gil Gutknecht

Stephanie Joseph

John X

Virginia Cox

Andy Mason

Jim Marshall

Ram Noyan

Terry Morano

Niko Rogn (m)

John

Paul Scott

Conlan

Jean Schmid

Off. F. L. L.

Ben Chardin

A hand-drawn sketch of a landscape. In the foreground, there is a horizontal line representing a river or a path. To the left of this line, there are several small, dark, irregular shapes representing trees or bushes. To the right of the line, there is a small, simple building with a triangular roof. Behind the building, there are more trees or bushes. The entire sketch is drawn with dark, somewhat irregular lines, suggesting a rough or preliminary drawing.

2-1-1968

Johnnie Lane

Ken Fennell

*[Handwritten signature]*

# Congress of the United States

Washington, DC 20515

July 31, 2006

The Honorable Stephen L. Johnson  
U.S. Environmental Protection Agency  
1200 Pennsylvania, Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

We are writing to convey our serious concerns about the Environmental Protection Agency's (EPA) proposed standard on coarse particulate matter (PMc).

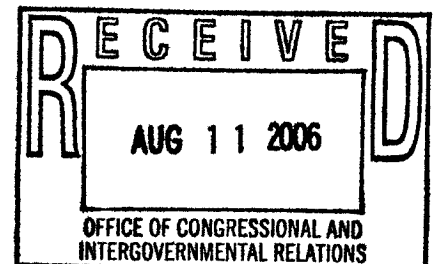
We appreciate EPA's proposal to exclude fugitive PMc from agriculture and mining sources and agree that these exclusions are well supported by the evidence. In addition, we are concerned about the lack of scientific rationale for setting a PMc standard for urban-type dust.

PMc emissions have never been demonstrated to cause substantial adverse health effects at ambient concentrations, and EPA has not provided the scientific evidence sufficient to demonstrate otherwise. In presenting its PMc proposal, EPA relies on four studies that, by its own admission, are seriously flawed. In a discussion on the health evidence, EPA concedes that there are powerful reasons for not adopting a PMc standard at this time.

Moreover, EPA acknowledges that the level of scientific uncertainty surrounding these studies is "too large to use the reported air quality levels directly as a basis for setting a specific standard level." It also admits that available scientific evidence does not provide a sufficient basis to perform a quantitative risk assessment. EPA lacks scientific evidence of danger and exposure – and thus risk of adverse health effects – necessary to justify promulgation of a NAAQS standard for PMc at this time.

A PMc standard would have serious ramifications on dust-emitting industries and would significantly constrain economic development. Given these significant consequences, before any PMc standard under NAAQS can be established, it must have a clear scientific basis that is set forth in the public record. According to current information, however, that scientific evidence does not exist and adoption of a PMc standard should not occur.

It is our understanding that not only is EPA planning to move forward with a final rule regulating urban-type PMc, but is also considering not including the agriculture and mining exclusions in its final rule. While regulation of any PMc is not supported by sufficient evidence, a rule without exclusion of agriculture or mining PMc would devastate an already struggling rural economy. At a minimum, an exclusion for agriculture and mining dust should be retained.



The combination of unsound science and flawed methodologies can only result in an ineffective, unfair, and unnecessary regulation that would constrain agriculture production, energy production, and economic growth in every affected sector of the economy without any clearly defined health or environmental benefits. Therefore, we respectfully request that EPA not issue a PMc standard under NAAQS unless and until research findings demonstrate that a standard is necessary to protect human health.

Sincerely,

Jerry Moran  
Rep. Jerry Moran (KS-01)

Bob Goodlatte  
Rep. Bob Goodlatte (VA-06)

Terry Everett  
Rep. Terry Everett (AL-02)

Donald A. Manzullo  
Rep. Donald Manzullo (IL-16)

Tom Latham  
Rep. Tom Latham (IA-04)

Robert Aderholt  
Rep. Robert Aderholt (AL-04)

Robin Hayes  
Rep. Robin Hayes (NC-08)

Tom Osborne  
Rep. Tom Osborne (NE-03)

Joe Schwarz M.D.  
Rep. Joe Schwarz (MI-07)

John Salazar  
Rep. John Salazar (CO-06)

Collin Peterson  
Rep. Collin Peterson (MN-07)

Tim Holden  
Rep. Tim Holden (PA-17)

Mike McIntyre  
Rep. Mike McIntyre (NC-07)

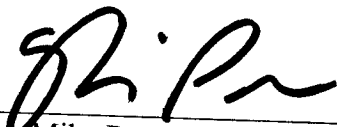
Joe Baca  
Rep. Joe Baca (CA-43)

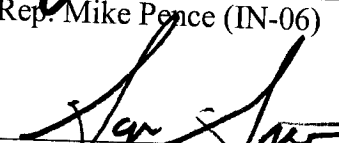
Sheila Jackson Lee  
Rep. Sheila Jackson Lee (TX-18)

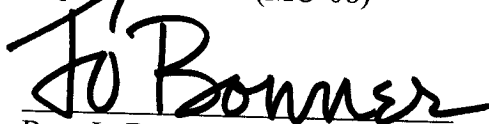
Jim Marshall  
Rep. Jim Marshall (GA-03)

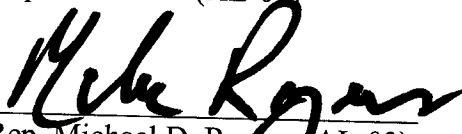
G.K. Butterfield  
Rep. G.K. Butterfield (NC-01)

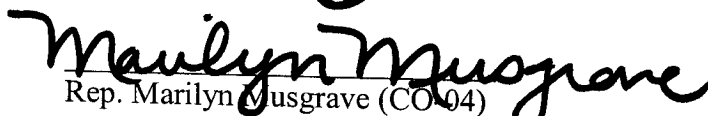
Henry Cuellar  
Rep. Henry Cuellar (TX-28)

  
Rep. Mike Pence (IN-06)

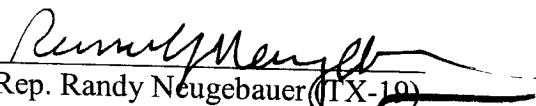
  
Rep. Sam Graves (MO-06)

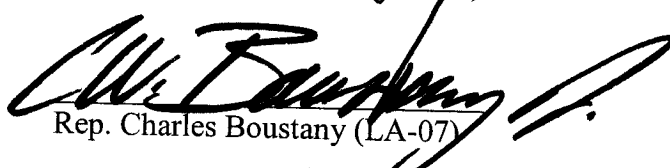
  
Rep. Jo Bonner (AL-01)


  
Rep. Michael D. Rogers (AL-03)

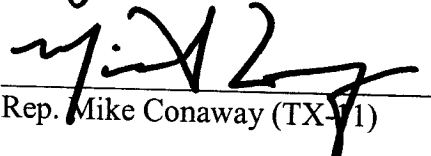
  
Rep. Marilyn Musgrave (CO-04)


  
Rep. Devin Nunes (CA-21)

  
Rep. Randy Neugebauer (TX-10)

  
Rep. Charles Boustany (LA-07)


  
Rep. Virginia Foxx (NC-05)

  
Rep. Mike Conaway (TX-11)

  
Rep. Charlie Melancon (LA-03)

  
Rep. Rick Larsen (WA-02)

  
Rep. Ben Chandler (KY-06)

  
Rep. Steve King (IA-05)

cc: Secretary of Agriculture Mike Johanns  
Secretary of Interior Dirk Kempthorne  
Secretary of Energy Samuel Wright Bodman  
Director of Office of Management and Budget Robert J. Portman  
Chairman White House Council on Environmental Quality James Connaughton

**THE WHITE HOUSE OFFICE  
REFERRAL**

**August 05, 2008**

**TO:** ENVIRONMENTAL PROTECTION AGENCY

**ACTION REQUESTED:** INFO AND FILE COPY ONLY/NO ACTION NECESSARY

**DESCRIPTION OF INCOMING:**

**ID:** 760746

**MEDIA:** FAX

**DOCUMENT  
DATE:** AUGUST 01, 2008

**TO:** PRESIDENT BUSH

**FROM:** MIKE PENCE  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

**SUBJECT:** URGES THE PRESIDENT TO IMMEDIATELY BRING THE CONGRESS  
BACK INTO SESSION TO GIVE THE BIPARTISAN PRO-DRILLING  
MAJORITY A VOTE

**COMMENTS:**

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PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9  
WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE  
UNDERSIGNED AT 456-2590.

RETURN **ORIGINAL** CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT)  
TO: DOCUMENT TRACKING UNIT, ROOM 84, OFFICE OF RECORDS MANAGEMENT - THE WHITE  
HOUSE, 20500

# THE WHITE HOUSE DOCUMENT MANAGEMENT AND TRACKING WORKSHEET



**DATE RECEIVED:** 8/5/2008

**CASE ID:** 760746

**NAME OF CORRESPONDENT:** THE HONORABLE MIKE PENCE

**SUBJECT:** URGES THE PRESIDENT TO IMMEDIATELY BRING THE CONGRESS BACK INTO SESSION TO GIVE THE BIPARTISAN PRO-DRILLING MAJORITY A VOTE

		ACTION		DISPOSITION		
ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	CODE	DATE	TYPE RESPONSE	CODE	COMPLETED
LEGISLATIVE AFFAIRS	DAN MEYER	ORG	8/5/2008			
ACTION COMMENTS:						
DEPARTMENT OF ENERGY		R	8/5/2008			
ACTION COMMENTS:						
DOMESTIC POLICY COUNCIL	KARL ZINSMEISTER	I	8/5/2008		C	
ACTION COMMENTS:						
COUNCIL ON ENVIRONMENTAL QUALITY		I	8/5/2008		C	
ACTION COMMENTS:						
✓ ENVIRONMENTAL PROTECTION AGENCY		I	8/5/2008		C	
ACTION COMMENTS:						

**COMMENTS:**

**MEDIA:** FAX

**USER CODE:**

**ACTION CODES:**

A - APPROPRIATE ACTION  
B - RESEARCH AND REPORT BACK  
D - DRAFT RESPONSE  
I - INFO COPY/NO ACT NECESSARY  
R - DIRECT REPLY W/ COPY

**TYPE  
RESPONSE:**

TYPE RESPONSE =  
INITIALS OF SIGNER  
NRN = NO RESPONSE  
NEEDED

**DISPOSITION**

**DISPOSITION  
CODES:**

A - ANSWERED/  
ACKNOWLEDGED  
C - CLOSED  
X - INTERIM REPLY

**COMPLETED DATE:**

COMPLETED = DATE OF  
ACKNOWLEDGEMENT OR CLOSE-  
OUT DATE (MM/DD/YY)

**REFER QUESTIONS AND ROUTING UPDATES TO DOCUMENT TRACKING UNIT (ROOM 437, EEOB) EXT-62590 KEEP**

**THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO OFFICE OF RECORDS MANAGEMENT**

760746

From: House  
To: W/W  
L. M. M. H.  
52

**RSC**  
Republican Study Committee

Rep. Jeb Hensarling (R-TX), Chairman  
Russ Vought, Executive Director

132 Cannon House Office Building  
Washington, DC 20515



[www.house.gov/hensarling/rsc](http://www.house.gov/hensarling/rsc)

ph (202) 226-9717 / fax (202) 226-1633

August 1, 2008

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President,

The House of Representatives has not taken a vote since January 2007 that would expand domestic energy production. All the while, Americans are hurting. Every time they go to fill-up their cars, trucks or tractors they feel the pain at the pump. High gas prices are harming the vitality of our families, the elderly, small businesses, and family farms. Each and every American is affected.

Today the Democrat controlled Congress adjourned for a five-week vacation without taking a vote on bipartisan measures that would lessen our dependence on foreign oil by allowing more domestic drilling on the Outer Continental Shelf. In fact, they adjourned without even allowing time for debate on the subject of drilling.

On July 14, 2008, you took the strong action of lifting the executive order that had banned offshore drilling. In so doing, you said that allowing offshore oil drilling is "one of the most important steps we can take" to reduce the burden of high gas prices. Now, all it would take is an act of Congress for that drilling to begin.

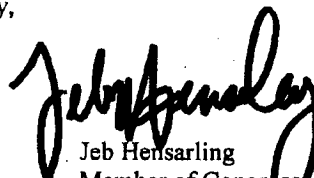
Since Speaker Pelosi has decided not to keep the House in session to allow this vote to take place, we urge you to use the power vested in you by the Constitution to convene an immediate energy special session of Congress. Under Article II, Section 3 of the Constitution, you have the power "on extraordinary occasions" to convene the Congress.

We believe that the energy emergency that has increased the pain felt by Americans when they purchase \$4 per gallon gasoline is an extraordinary occasion. We urge you to immediately bring the Congress back into session to do its job and give the bipartisan, pro-drilling majority a vote.

Thank you for your consideration of our request.

Sincerely,

  
Mike Pence  
Member of Congress

  
Jeb Hensarling  
Member of Congress

**MICHAEL R. PENCE**  
SIXTH DISTRICT, INDIANA

COMMITTEES:  
**JUDICIARY**  
SUBCOMMITTEES:  
CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES  
COURTS, THE INTERNET, AND  
INTELLECTUAL PROPERTY  
**FOREIGN AFFAIRS**  
SUBCOMMITTEE:  
MIDDLE EAST AND SOUTH ASIA—RANKING MEMBER

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1406**

WASHINGTON OFFICE:  
1317 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3021  
FAX: (202) 225-3382

DISTRICT OFFICES:  
1134 MERIDIAN PLAZA 204 SOUTH WALNUT STREET  
ANDERSON, IN 46016 MUNCIE, IN 47305  
(765) 640-2919 (765) 747-5566  
FAX: (765) 640-2922 FAX: (765) 747-5586

50 NORTH 5TH STREET  
RICHMOND, IN 47374  
(765) 962-2883  
FAX: (765) 962-3225

November 14, 2008

Christopher Bliley  
Associate Administrator for Congressional  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Ariel Rios Bldg. North, Room 3426  
Washington, D.C. 20460-0001

Dear Friend:

My constituent, (b) (6) EPA file#70358 has contacted my office concerning obtaining all paper work pertaining to the site located at 3340-3360 E Market St., Petroleum, IN 46778..

Enclosed is a signed authorization form.

I would appreciate it if you would review this matter and provide me with any information that may be helpful to my constituent. Please direct your response to Kevin Sulc in Anderson Office at 1134 Meridian Plaza, Anderson, Indiana 46016.

I am grateful for any assistance you may be able to provide in this case.

Sincerely,



Mike Pence  
Member of Congress

MRP: kas  
enclosure

Michael R. Pence  
Sixth District, Indiana

Committees:  
Judiciary  
Foreign Affairs

Sub Committees:  
Middle East and South Asia  
Constitution Civil Rights & Civil Liberties  
Courts Internet & Intellectual Properties

Congress of the United  
States  
House of Representatives  
Washington, DC 20515-1402

D.C. Office:  
1317 Longworth House Office Building  
Washington, DC 20515  
(202) 225-3021  
(202) 225-3382

District Offices:  
1134 Meridian Plaza  
Anderson, IN 46016  
(765) 640-2919  
Fax: (765) 640-2922

204 S. Walnut Street  
Muncie, IN 47303  
(765) 747-5566  
Fax: (765) 747-5586

50 North 5th Street  
Richmond, IN 47374  
(765) 962-2883  
Fax: (765) 962-3225

Authorization in Accordance with the 1974 Privacy Act

Name: (b) (6) Date of Birth: (b) (6)  
Address: (b) (6)  
City: (b) (6) State: (b) (6) Zip: (b) (6)  
Home Phone: (b) (6) Work Phone: (b) (6)  
Social Security #: (b) (6) Claim #: EPA file # 70358  
Attorney: Don Bowman Attorney Phone#: 317-639-5454

Please describe the specific information you are requesting or the exact nature of the problem you are experiencing. Send copies of any relevant information (DO NOT SEND ORIGINALS). Please indicate if you have a representative working for you. Use extra paper if necessary.

All paper work pertaining to site  
located at 3340-3360 E Market St.  
Petroleum, IN 46718, owned by (b) (6)  
(b) (6) including itemized list  
with cost for cleanup.

THE PRIVACY ACT OF 1974 PROHIBITS THE GOVERNMENT FROM REVEALING ANY INFORMATION FROM PERSONAL FILES OF INDIVIDUALS WITHOUT THE EXPRESS PERMISSION OF THE PERSON INVOLVED. DISCLOSURE OF PERSONAL RECORDS TO A MEMBER OF CONGRESS WHO IS ACTING ON BEHALF OF THE CONSTITUENT IS PROHIBITED, UNLESS THE INDIVIDUAL TO WHOM THE RECORD PERTAINS HAS CONSENTED.

I, the undersigned, hereby authorized the office of U.S. Representative Mike Pence to receive information in my file pertinent to his inquiry on my behalf.

SIGNATURE (b) (6)

Date: 10/7/08

MICHAEL R. PENCE  
SIXTH DISTRICT, INDIANA

COMMITTEES:  
**JUDICIARY**

SUBCOMMITTEES:  
CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES  
COURTS, THE INTERNET, AND  
INTELLECTUAL PROPERTY

**FOREIGN AFFAIRS**

SUBCOMMITTEE:  
MIDDLE EAST AND SOUTH ASIA—RANKING MEMBER

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1406**

WASHINGTON OFFICE:  
1317 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3021  
FAX: (202) 225-3382

DISTRICT OFFICES:  
1134 MERIDIAN PLAZA 204 SOUTH WALNUT STREET  
ANDERSON, IN 46016 MUNCIE, IN 47305  
(765) 640-2919 (765) 747-5566  
FAX: (765) 640-2922 FAX: (765) 747-5586

50 NORTH 5TH STREET  
RICHMOND, IN 47374  
(765) 962-2883  
FAX: (765) 962-3225

December 2, 2008

Christopher Bliley  
Associate Administrator for Congressional  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Ariel Rios Bldg. North, Room 3426  
Washington, D.C. 20460-0001

Dear Mr. Bliley:

A constituent has contacted me concerning either a current rule or proposed rule which exempts animal waste at farms from being part of public reports of air quality. They want to know if this is the case. This relates to large confined animal feeding operations.

I would appreciate it if you would review this matter and provide me with any information that may be helpful to my constituent. Please direct your response to Kevin Sulc in Anderson Office at 1134 Meridian Plaza, Anderson, Indiana 46016.

I am grateful for any assistance you may be able to provide in this case.

Sincerely,



Mike Pence  
Member of Congress

MRP: kas



# OFFICE OF CONGRESSMAN MIKE PENCE

To: CONGRESSIONAL AFFAIRS - EPA

From:



KEVIN A. SULC  
District Representative  
Congressman Mike Pence

765.640.2919  
765.640.2922 Fax

kevin.sulc@mail.house.gov  
1.800.882.8655

1134 Meridian Street  
Anderson, IN 46016

Date: 12 / 02 / 08

Fax Number: 202-501-1519

Pages: 2 (Including Cover Sheet)

Comments:

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MICHAEL R. PENCE  
SIXTH DISTRICT, INDIANA

COMMITTEES:  
JUDICIARY

SUBCOMMITTEES:

CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

COURTS, THE INTERNET, AND  
INTELLECTUAL PROPERTY

FOREIGN AFFAIRS

SUBCOMMITTEE:

MIDDLE EAST AND SOUTH ASIA—RANKING MEMBER

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1406**

WASHINGTON OFFICE:  
1317 LONGWORTH HOUSE OFFICE BUILDING  
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50 NORTH 5TH STREET  
RICHMOND, IN 47374  
(765) 962-2883  
FAX: (765) 962-3225

January 27, 2009

Christopher Bliley  
Associate Administrator for Congressional  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Ariel Rios Bldg. North, Room 3426  
Washington, D.C. 20460-0001

Dear Friend:

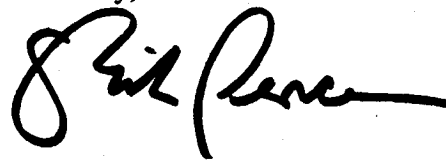
My constituent, Greg Myers, President of Wayne Metals, LLC has contacted my office concerning a proposed penalty due to a violation of NESHAP regulations.

Enclosed is his signed authorization form and letter to me.

I would appreciate it if you would review this matter and provide me with any information that may be helpful to my constituent. Please direct your response to Kevin Sulc in Anderson Office at 1134 Meridian Plaza, Anderson, Indiana 46016.

I am grateful for any assistance you may be able to provide in this case.

Sincerely,



Mike Pence  
Member of Congress

MRP: kas  
enclosure

Michael R. Pence  
Sixth District, Indiana

Congress of the United  
States

House of Representatives  
Washington, DC 20515-1402

D.C. Office:  
1431 Longworth House Office Building  
Washington, DC 20515  
(202) 225-3021  
(202) 225-3382

District Offices:  
1134 Meridian Plaza  
Anderson, IN 46016  
(765) 640-2919  
Fax: (765) 640-2922

204 S. Walnut Street  
Muncie, IN 47305  
(765) 747-5566  
Fax: (765) 747-5586

50 North 5th Street  
Richmond, IN 47374  
(765) 962-2883  
Fax: (765) 962-3215

Committees:  
Judiciary  
Sub Committees:  
Constitution, Civil rights & Civil Liberties  
Courts, Internet & Intellectual Property

Foreign Affairs  
Middle East and South Asia  
Subcommittee:  
Middle East and South Asia

Authorization in Accordance with the 1974 Privacy Act

Name: WAYNE METALS, LLC Date of Birth: (b) (6)  
by GREG MYERS, PRESIDENT  
Address: \_\_\_\_\_  
City: 400 E. LOGAN ST. State: IN Zip: 46770  
MARKLE, IN  
Home Phone: (b) (6) Work Phone: 260-758-3121  
Social Security #: (b) (6) Claim #: N/A  
Attorney: ANTHONY C. SULLIVAN Attorney Phone#: 317-231-7472  
BARNES & THORNBURG

Please describe the specific information you are requesting or the exact nature of the problem you are experiencing. Send copies of any relevant information (DO NOT SEND ORIGINALS). Please indicate if you have a representative working for you. Use extra paper if necessary.

1.) LETTER ATTACHED

2.) EPA "FINDING OF VIOLATION" ATTACHED

THE PRIVACY ACT OF 1974 PROHIBITS THE GOVERNMENT FROM REVEALING ANY INFORMATION FROM PERSONAL FILES OF INDIVIDUALS WITHOUT THE EXPRESS PERMISSION OF THE PERSON INVOLVED. DISCLOSURE OF PERSONAL RECORDS TO A MEMBER OF CONGRESS WHO IS ACTING ON BEHALF OF THE CONSTITUENT IS PROHIBITED, UNLESS THE INDIVIDUAL TO WHOM THE RECORD PERTAINS HAS CONSENTED.

I, the undersigned, hereby authorized the office of U.S. Representative Mike Pence to receive information in my file pertinent to his inquiry on my behalf.

SIGNATURE: Greg Myers

Date: 1/7/09

**WAYNE METALS, LLC**

400 East Logan Street

Markle, IN 46770

(p) 260-758-3121

(f) 260-758-2521

January 7, 2009

Michael R. Pence  
Sixth District, Indiana  
Unites States House of Representatives  
Washington, DC 20515-1402

Dear Congressman Pence,

**PURPOSE OF LETTER**

On May 2, 2008, Wayne Metals, LLC was issued a Finding of Violation by the EPA alleging that the Company had exceeded the applicable limit of organic HAP per gallon as allowed by our air permit. On December 4, 2008 the Company was informed of a proposed penalty in the amount of \$54,000. The proposal from EPA provides for "some additional deductions for cooperation and quick settlement". *The Company believes the proposed penalty to be very onerous and requests the assistance of your office to help in a reasonable settlement being achieved.*

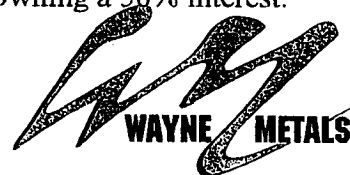
We want to clearly state that our issue is not directed towards the EPA or with the process the EPA has taken. We are very frustrated and disappointed in that we believe that we have done all of the things that the EPA would like to see a manufacturer such as us do, and the system is penalizing us unfairly for a technical violation.

**ABOUT THE COMPANY**

Wayne Metals, LLC and its predecessor company Wayne Metal Products has been in existence since the 1940's. The Company currently has more than 200 employees producing sales that approach \$30,000,000 annually. Primary customers include Caterpillar, Toyota Industrial Products, International Truck and Engine and Bendix. The Company culture and its philosophy as stated in it's mission statement published in 2001 is to be an "exemplary citizen" in the community and to be compliant with all regulations and laws.

Wayne Metals products and services include metal stamping, fabrication and powder coat finishing.

The Company is privately held with Greg Myers and Jerry Henry each owning a 50% interest.



Page 2.

## **COMPANY REGISTRATIONS**

Wayne Metals was first registered to the QS9000 standard in 1996. In 2006 this registration migrated to the ISO9001: 2000 standard which is in force currently.

In 2006 the Company was registered to the ISO14001 environmental standard. The Company has an extensive compliance/recycling program in place that would exceed that of most other USA companies.

## **TIME LINE OF SOLVENT COATING AT WAYNE METALS**

Wayne Metals installed a high volume solvent based metal coating system utilizing a zinc phosphate pre-treatment process in 1978. Air and wastewater permits were applied for and granted.

In 1994 the system was upgraded to eliminate the zinc phosphate process and convert to an iron phosphate process which was environmentally favorable.

In 2001 the Company added the powder coating process, which is the most favorable coating system environmentally. Both the solvent coating system and the powder coating system were utilized depending upon the process specified by our customers. The initial investment to add powder coating to our system was \$100,000. The intent of the Company was to, over a reasonable period of time convert all coating to the powder coat process.

In addition, the primary curing oven was recently upgraded with additional insulation to more effectively handle the higher curing temperatures required with powder coating and to help the environment by making more efficient use of the natural gas that fuels the oven and to reduce the loss of heat into the atmosphere.

In 2006, as originally planned, all customers who were still specifying solvent coating material were informed that the Company was going to totally eliminate solvent based coating and that it would be necessary for them to approve a powder coat alternative. This decision to convert totally to powder coating was not based upon economic considerations. Powder coating costs the same as solvent coating. The decision was made to minimize the impact on our environment.

It was determined that there were certain customer parts that could not be converted to powder coat. The most significant was for Caterpillar. CAT was required to resource these parts elsewhere. The annual sales that the Company lost for those parts were almost \$1,000,000.

A major positive environmental impact of the conversion to powder coating means that the Company no longer qualifies for a Clean Air Act "Major Source" designation for either Volatile

Page 4.

### WHAT DOES THE COMPANY REQUEST

The Company does not deny the violation. It occurred inadvertently in the process of the Company taking a major positive step forward to dramatically reduce environmentally undesirable air emissions from our painting operation.

The Company believes the proposed penalty to be very onerous and requests the assistance of your office to help in a reasonable settlement being achieved.

The Company does not expect the violation, even though it is a technicality, to be reversed.

What the Company does request is that the penalty be more realistic. The Company has totally discontinued the solvent coating process. *And the decision to discontinue the process was made long before the violation occurred – not as a result of it.*

Metal fabrication and manufacturing in the United States is under fire from every quadrant. A recession; global competition; the cost, availability and price volatility of steel; fuel for process, heating and trucking; the preceding all add up to a complex and difficult environment in which to survive - let alone prosper.


We do not need to add our government to the above list of difficulties. And in our case, we as a Company did every thing right and for the right reason. We should not be penalized so severely for the technical violation. Onerous penalties such as this make us that much less competitive in a global economy. This leads to lost jobs and a declining manufacturing base in the United States.

Time is of the essence in a resolution being determined. The Company does not desire to be anything but "cooperative" in resolving this issue. The EPA point person communicating with the Company is an attorney. Consequently, the Company has had no choice but to retain legal council to represent its interests and, if necessary, defend it.

### THANK YOU

Wayne Metals and all of its associates appreciate your interest and help. Please advise me of any additional information you need or questions you have. Since time is sensitive could I be contacted by your office to update me on what assistance I can expect?

Sincerely yours,

  
Greg Myers  
President



# OFFICE OF CONGRESSMAN MIKE PENCE

To: Christopher Bliley

From:



KEVIN A. SULC  
District Representative  
Congressman Mike Pence

765.640.2919  
765.640.2922 Fax

1134 Meridian Street  
Anderson, IN 46016  
kevin.sulc@mail.house.gov  
1.800.382.8655

Date: 01 / 27 / 09

Fax Number: (202) 501-1519

Pages: 7 (Including Cover Sheet)

Comments:

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**MICHAEL R. PENCE**  
SIXTH DISTRICT, INDIANA

## COMMITTEES:

## FOREIGN AFFAIRS

## SUBCOMMITTEE:

MIDDLE EAST AND SOUTH ASIA  
VICE-CHAIRMAN

## JUDICIARY

## SUBCOMMITTEE:

CONSTITUTION  
VICE-CHAIRMAN

## SUBCOMMITTEE:

INTELLECTUAL PROPERTY, COMPETITION,  
AND THE INTERNET

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1406

WASHINGTON OFFICE:  
100 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3021  
FAX: (202) 225-3382

DISTRICT OFFICES:  
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ANDERSON, IN 46016 MUNCIE, IN 47305  
(765) 640-2919 (765) 747-5588  
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50 NORTH 5TH STREET  
RICHMOND, IN 47374  
(765) 962-2883  
FAX: (765) 962-3225

June 30, 2011

Mr. David McIntosh  
Associate Administrator for Congressional  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Room 3426, ARN  
Washington, D.C. 20460-0003

Dear Mr. McIntosh:

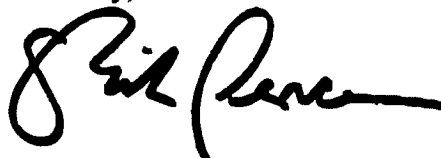
My constituent, Createc Corporation of Portland, Indiana has contacted my office concerning the USEPA, Region 5's review of their Significant Modification to their Part 70 Operation Permit (No. 075-30372-00024).

The resin processing equipment changes at Createc's Portland location were necessitated by the closure and consolidation of Tegrant Corporation's existing Michigan City, Indiana foam molding operation. Createc's equipment total emission potential will now meet the definition of Significant Source Modification, thus a need for the permits. The Significant Modification to their Part 70 Operation Permit is now in a Public Comment period and a USEPA review period.

I am writing to request an expedited review of Createc Corporations' Significant Modification to their Part 70 Operating Permit (No. 075-30372-00024) so that the pending permits can be issued as soon after the Public Comment period ends as possible. Please direct your response or any questions to Kevin Sulc in my Anderson Office at 1134 Meridian Plaza, Anderson, Indiana 46016 or 765-640-2919.

I am grateful for any assistance you may be able to provide in this case.

Sincerely,



Mike Pence  
Member of Congress

MRP:ks



# OFFICE OF CONGRESSMAN MIKE PENCE

To: USEPA - Congressional Affairs

From:



KEVIN A. SULC  
District Representative  
Congressman Mike Pence

765.640.2919  
765.640.2922 Fax

1134 Meridian Street  
Anderson, IN 46016  
kevin.sulc@mail.house.gov  
1.800.882.8655

Date: 06 / 30 / 2011

Fax Number: 202-501-1519

Pages: 2 (Including Cover Sheet)

Comments:

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AL-08-001-4915  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 03 2008

REPLY TO THE ATTENTION OF

R 19J

The Honorable Mike Pence  
Member, United States  
House of Representatives  
1134 Meridian Plaza  
Anderson, Indiana 46016

Dear Congressman Pence:

Thank you for your letter of November 14, 2008 on behalf of your constituent, (b) (6) requesting copies of all paper work pertaining to the site located at 3340-3360 E. Market St., Petroleum, Indiana.

On January 22, 2004, the United States Environmental Protection Agency determined that the site posed a potential threat to public health and the environment and that a removal action was necessary to clean up the site. The removal action was completed by the Superfund Division on August 3, 2004. The clean up was limited to the removal of polychlorinated biphenyl (PCB) materials including PCB contaminated soil and concrete.

There is a significant amount of paperwork related to this site. As my staff informed Kevin Sulc of your Anderson office, we will be handling (b) (6) request for these documents under the Freedom of Information Act and will be responding directly to (b) (6) regarding what materials can be released and any costs associated with copying these records.

Again, thank you for your letter. If you have any questions, please contact me or your staff can contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

Lynn Buhl  
Regional Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 12 2009

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Michael R. Pence  
Member, U.S. House of Representatives  
1134 Meridian Plaza  
Anderson, Indiana 46016

Dear Congressman Pence:

Thank you for your letter of January 27, 2009, concerning the Finding of Violation issued to Wayne Metals, LLC of Markle, Indiana and the resulting proposed penalty. I share your interest in seeking equitable penalties in the resolution of environmental enforcement actions.

As you know, the air quality of the United States, and particularly the Region, is an ongoing concern. Enforcement of the Clean Air Act is an essential component in protecting public health, and we are charged with assessing penalties based upon our policies that are proportionate and warranted by the specifics of each case. In this instance, Wayne Metals was among numerous facilities required by the Clean Air Act to be in compliance with the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts by January of 2007. Unfortunately, the company was not in compliance by that date. Since it identified the violation, Wayne Metals has worked cooperatively with the Agency. We can and will take that cooperation into account as we continue to negotiate an appropriate penalty to conclude the matter.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons at 312-886-3000.

Sincerely,

A handwritten signature in black ink, which appears to read "Walter W. Karatich" followed by a flourish. Below the signature, the word "for" is written in a smaller, cursive script.

Bharat Mathur  
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 21 2011

REPLY TO THE ATTENTION OF:

The Honorable Mike Pence  
Member, U. S. House of Representatives  
1134 Meridian Plaza  
Anderson, Indiana 46106

Dear Congressman Pence:

Thank you for your June 30, 2011, letter regarding the Title V permit for Createc Corporation in Portland, Indiana.

The Indiana Department of Environmental Management (IDEM) is accepting public comment on the draft permit through July 27, 2011. After the public comment period ends, IDEM is required to provide the U.S. Environmental Protection Agency with any public comments, IDEM's response to comments, and a proposed permit which includes any changes needed as a result of those comments. EPA will work with IDEM to expeditiously resolve any concerns about the permit.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman".

Susan Hedman  
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 17 2006

OFFICE OF  
AIR AND RADIATION

The Honorable Mike Pence  
U.S. House of Representatives  
Committee on Agriculture  
Washington, D.C. 20515-0001

Dear Congressman Pence:

Thank you for your letter of July 27, 2006, to Administrator Johnson, co-signed by 38 of your colleagues, in which you presented your views on the U.S. Environmental Protection Agency's (EPA) December 20, 2005, proposal to revise the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). I understand your concerns about the potential impact of the proposed coarse particle standard on the agricultural community.

As you know, EPA proposed to replace the existing standards for all particles with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>) with a new 24-hour standard focused specifically on the coarse fraction (PM<sub>10-2.5</sub>). This standard would be set at a level of 70 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), and would regulate any ambient mix of PM<sub>10-2.5</sub> that is dominated by resuspended dust from paved roads and particles generated by industrial sources and construction sources. The proposed indicator excludes any ambient mix of PM<sub>10-2.5</sub> that is dominated by rural windblown dust and soils and PM generated by agricultural and mining sources. Furthermore, the proposal states that "agricultural sources, mining sources, and other similar sources of crustal material shall not be subject to control in meeting this standard" (71 FR 2699).

In your letter, you express strong support for the proposed exclusion from the standard of agricultural and mining dust and other similar sources of coarse particulate matter. You believe that this exclusion is supported by the scientific evidence, and you state that the exclusion is critical to your agricultural constituencies, along with the mining industry and other similar sources. Furthermore, you believe that EPA has sufficient legal authority to promulgate an exclusion of this type under the Clean Air Act.

I appreciate all of your concerns, and can assure you that your views and comments will be taken into consideration as we develop the final rule. We are in the midst of evaluating all the public comments we have received on the proposed rule, and we will take those into consideration as we make final decisions regarding the PM standards. In the meantime, your comments and recommendations have been forwarded to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2001-0017). The final rule on the PM standards will be signed on September 27, 2006.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', followed by a long horizontal flourish.

William L. Wehrum  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**SEP 15 2006**

OFFICE OF  
AIR AND RADIATION

The Honorable Mike Pence  
U.S. House of Representatives  
Committee on Agriculture  
Washington, D.C. 20515-0001

Dear Congressman Pence:

Thank you for your letter of July 31, 2006, to Administrator Johnson, co-signed by 31 of your colleagues, in which you presented your views on the U.S. Environmental Protection Agency's (EPA) December 20, 2005 proposal to revise the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). I appreciate your interest in the proposal.

In your letter, you express concern over whether there is sufficient scientific evidence to support the adoption of a new standard for coarse particles at this time. As you know, EPA proposed to replace the existing standards for all particles with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>) with a new 24-hour standard focused specifically on the coarse fraction (PM<sub>10-2.5</sub>). This standard would be set at a level of 70 micrograms per cubic meter, and would regulate any ambient mix of PM<sub>10-2.5</sub> that is dominated by resuspended dust from paved roads and particles generated by industrial sources and construction sources. The proposed indicator excludes any ambient mix of PM<sub>10-2.5</sub> that is dominated by rural windblown dust and soils and PM generated by agricultural and mining sources.

You state that coarse PM emissions have never been demonstrated to cause substantial adverse health effects at ambient concentrations, and that EPA's proposal fails to provide sufficient scientific evidence to justify a standard. Furthermore, you express concern about the potential economic ramifications on dust-emitting industries and the possibility that a coarse particle standard would significantly constrain economic development. You urge EPA not to issue a PM coarse standard unless and until research findings demonstrate that a standard is necessary to protect human health.

I appreciate all of your concerns, and can assure you that your views and comments regarding the strength of the scientific evidence are being taken into consideration as we develop the final rule. We are in the midst of evaluating all the public comments we have received as part of the rulemaking for the PM standards. Your comments and recommendations have been forwarded to the docket for the rulemaking (Docket ID No. EPA-HQ-OAR-2001-0017). The final rule on the PM standards will be signed on September 27, 2006.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', followed by a long horizontal flourish.

William L. Wehrum  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 11 2005

THE ADMINISTRATOR

The Honorable Mike Pence  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Pence:

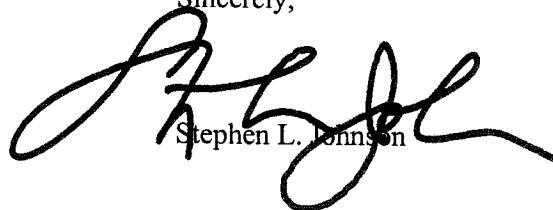
I am pleased to inform you that today the U.S. Environmental Protection Agency (EPA) is releasing the 2003 Toxics Release Inventory (TRI) data. The Toxics Release Inventory, created under the Emergency Planning and Community Right-to-Know Act of 1986, requires certain facilities to annually report their chemical releases and other waste management activities to EPA and the states. In addition, the Pollution Prevention Act (PPA) of 1990 mandates collection of data from these facilities on toxic chemicals treated on-site, recycled, and combusted for energy recovery.

EPA's 2003 Toxic Release Inventory (TRI) issued today shows that the amount of toxic chemicals released into the environment by reporting facilities continues to decline, with total reductions of 42% since 1998 and a six percent decrease from 2002 to 2003. There are certain increases in mercury, lead, PCBs and dioxin in the 2003 TRI data. Some of these increases are due to reporting anomalies. Analyses are available on EPA's Web site that provide context for understanding the full picture presented by the 2003 data.

EPA continues to make progress on electronic reporting by facilities this year, making it possible to release the data to the public more quickly. Eighty-six percent of reports were submitted electronically. The data released and analyzed at a national level today were released on a facility-specific basis last November.

A summary of the 2003 TRI data and background materials is available on the Internet at [www.epa.gov/tri](http://www.epa.gov/tri). The TRI Internet site also provides a link to the *TRI Explorer*, an electronic search tool that makes the TRI data more easily accessible and understandable. I hope you find these materials interesting and useful. If you have any questions or comments on the TRI data or the reports, please contact James Blizzard in our Office of Congressional and Intergovernmental Relations at (202) 564-1695.

Sincerely,



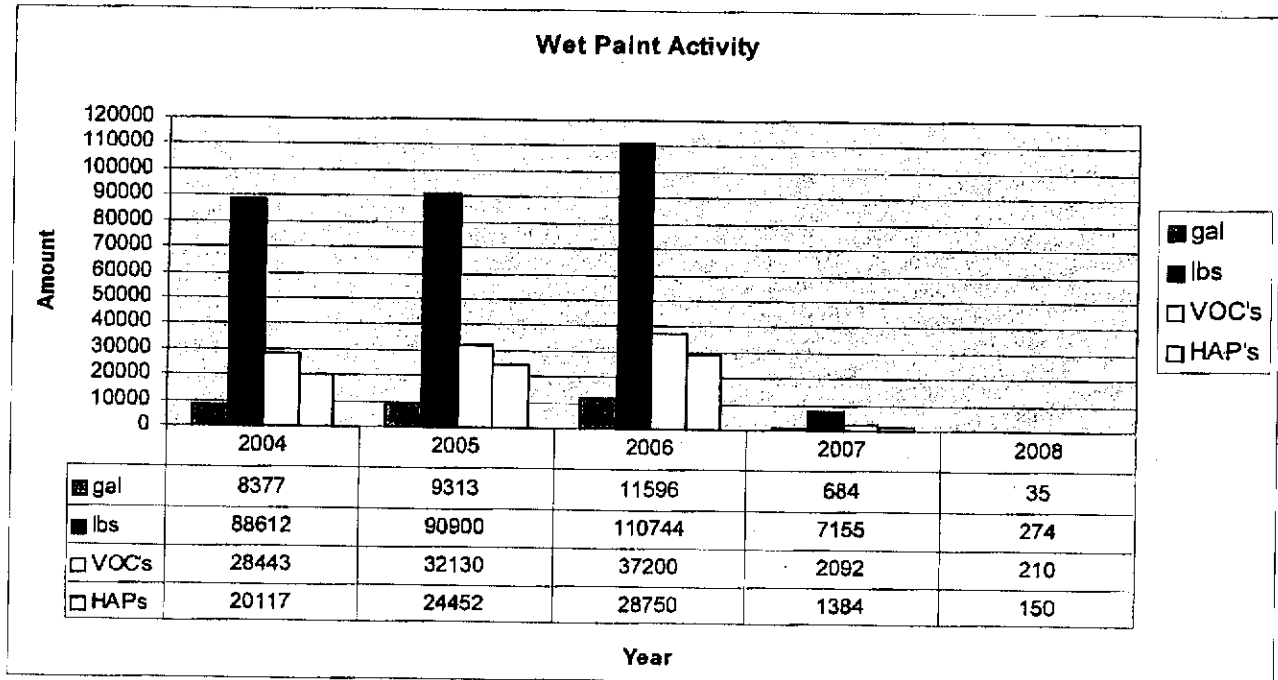
Stephen L. Johnson

Page 3.

Organic Compound (VOC) emissions or Hazardous Air Pollution (HAP) emissions. An application to down size the Company air permit was submitted July 10, 2007.

### DATA OF SOLVENT COATING USAGE

The following graph illustrates the dramatic reduction and ultimate elimination of solvent borne finishes in our facility.



NOTE: 2008 numbers too minimal to register on graph when compared to previous year's data.

There will be no usage in 2009.

Please refer to the above graph.

In 2004, 2005 and 2006, even though enormous volumes of solvent finishes were being applied, the Company was in compliance with its air permits.

In 2007 and 2008 the remaining solvents being applied were the same as had been applied in the previous years. The problem occurred due to the fact that those remaining gallons, even though minimal, were high in HAP content.

Cassandra  
202-564-1828 - F  
202-564-2788 - O



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 31 2008

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

The Honorable Michael R. Pence  
U.S. House of Representatives  
1134 Meridian Plaza  
Anderson, Indiana 46016

Dear Congressman Pence:


Thank you for your letter of December 2, 2008, requesting information for a constituent about a current rule or proposed rule that exempts animal waste at farms from being part of public reports of air quality. The Office of Solid Waste and Emergency Response issued a final rule that may be the focus of your constituent's query.

EPA finalized an administrative reporting exemption to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and a limited exemption under the Emergency Planning and Community Right-to-Know Act (EPCRA). The reporting exemption applies to releases of hazardous substances to the air that meet or exceed their reportable quantity when the source of those hazardous substances is animal waste at farms. EPA will still require large concentrated animal feeding operations to provide emergency notifications under EPCRA. This final rule, "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms," was signed by the EPA Administrator on December 12, 2008 and was published in the Federal Register on December 18, 2009. More information about this rule can be found on our website at [www.epa.gov/emergencies](http://www.epa.gov/emergencies).

The final administrative reporting exemption is limited to releases of hazardous substances to the air where the source of those hazardous substances is animal waste at farms. Notifications must still be made to response authorities when hazardous substances are released to the air from sources other than animal waste (e.g., ammonia tanks), and when hazardous substances are released to soil and water. Furthermore, the final rule does not limit any of the Agency's other authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,

  
Susan Parker Bodine  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AL-020598  
C/O

APR 25 2002

OFFICE OF  
AIR AND RADIATION

The Honorable Mike Pence  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Pence:

Thank you for your letter of February 13, 2002, co-signed by one of your colleagues, regarding the Environmental Protection Agency's (EPA) recent notice of proposed rulemaking to establish nonconformance penalties for model year 2004 on-highway heavy-duty diesel engine manufacturers.

This rulemaking will establish monetary penalties which engine manufacturers may optionally choose to pay in the event they are unable to comply with the emission standards EPA has established for model year 2004. As you note in your letter, these penalties will also impact the consent decrees which EPA and a number of engine manufacturers entered into in 1998.

I can assure you EPA will carefully consider all comments we have received on this subject before we make any final decisions. We intend to issue a final rule this summer. Your letter will be placed in the public docket.

I appreciate the opportunity to be of service and trust the information provided is helpful. If you have further questions, please call me or have your staff contact Michele Aston in the Office of Congressional and Intergovernmental Relations at (202) 564-5051.

Sincerely,

*for Elizabeth Craig*  
Jeffrey R. Holmstead  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 01 2005

REPLY TO THE ATTENTION OF

R-19J

Honorable Mike Pence  
Member, United States  
House of Representatives  
50 North 5<sup>th</sup> Street  
Richmond, Indiana 47374

Dear Congressman Pence:

Thank you for your letter of February 4, 2005, regarding the problems your constituent, (b) (6), has experienced while attempting to obtain access to the Memorial Drive Dump Superfund Site, located in Muncie, Indiana (the "Site"). The United States Environmental Protection Agency (U.S. EPA) understands that (b) (6) requires access to this property in order to conduct field research, preferably by March 2005.

Between July and December, 2001, U.S. EPA performed an emergency response action at the Site and, as part of work performed at that time, installed an erosion control system to mitigate the migration of lead-contaminated soils and wastes from the Site into the White River. The City of Muncie has agreed to acquire a portion of the property comprising the Site and perform the necessary maintenance work on the erosion control system installed by U.S. EPA, provided that the City receives protection from any potential Superfund liability that may result from either ownership of or operations at the Site. To that end, U.S. EPA and the U. S. Department of Justice are currently negotiating a prospective purchaser agreement with the City of Muncie. As of the current date, however, neither U.S. EPA nor the City of Muncie controls access to any portion of the Site.

(b) (6) letter to you does not indicate exactly where at the Site he requires access. I have included with this letter a map of the Site broken down by parcel number. Information in U.S. EPA's files indicates that the property comprising the Site is owned by seven different individuals. Each of these owners is identified in the chart attached to this letter. I have also identified which lots are owned by each owner, and the latest contact information for each owner in U.S. EPA's files.

The owner of most of the parcels is

(b) (6)

(b) (6)

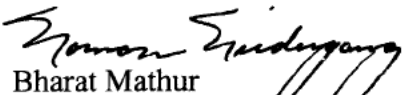
(b) (6)

(b) (6)

previously has given permission for access to at least one student conducting field research at the Site. U.S. EPA was notified on February 22, 2004 that (b) (6) had granted access to a student conducting research on deer mice at the Site. Hopefully, (b) (6) is the correct person to contact, and he will give similar permission to (b) (6)

Again, thank you for your letter. I hope the information that I have provided is useful to (b) (6). If you have further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons. If (b) (6) should need any additional information from U.S. EPA's files regarding Site ownership, please ask him to contact Verneta Simon at 312-886-3601. Ms. Simon was U.S. EPA's On-Scene Coordinator for the emergency response action, and can provide any additional assistance.

Very truly yours,

  
Bharat Mathur  
Acting Regional Administrator

Enclosures



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Michael R. Pence  
Governor

November 1, 2013

EPA Administrator Gina McCarthy  
USEPA Headquarters - William J. Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator McCarthy:

I write to express my concerns that EPA has not solicited comments from the citizens of Indiana concerning two major Clean Air Act rulemakings that will significantly impact our state: EPA's proposal to limit carbon dioxide emissions from existing power plants and EPA's carbon dioxide emission standards for new power plants.

EPA announced on September 30, 2013 that it planned to hold "listening sessions" in several cities to "solicit ideas and input" from the public concerning forthcoming EPA regulations for reducing carbon dioxide emissions from existing power plants. In its September 30 announcement, EPA states that the "feedback" the agency receives from these sessions "will play an important role in helping EPA develop smart, cost-effective guidelines," which "states use to design their own programs to reduce emissions." While the current locations for these sessions coincide with the location of EPA regional offices, they do not include states that stand to be most adversely impacted by such EPA regulations, including Indiana.

I am therefore respectfully requesting that EPA promptly schedule and hold at least one listening session in Indiana to allow citizens throughout our state to have the opportunity to provide meaningful comment on EPA's proposal to limit carbon dioxide emissions from existing power plants.

In addition, I request that EPA hold a separate public hearing to receive comment on EPA's forthcoming and closely-related proposed rule for carbon dioxide emission standards for new power plants. Because of the sweeping nature of EPA's two planned regulations and the significant adverse impact they are likely to have on the people of our state, the additional requested listening session and public hearing in my state is necessary in order for EPA to hear directly from those most adversely impacted – including my administration.

Indiana produces over 80 percent of its electricity from coal-fueled generation, while the states that EPA will visit produce only a combined 30 percent of their electricity from coal. This means our state produces nearly three times the amount of electricity

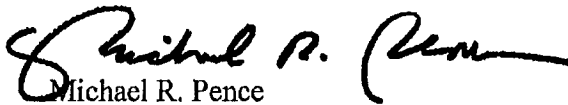
from coal than the 11 states scheduled for the listening tours combined. This reason alone demonstrates EPA should hear from Hoosiers.

In addition, coal production is vital to our state economy, employing over 3,500 people and producing over 37 million tons every year to provide affordable and accessible energy for our citizens. We expect that approximately 21 coal units will retire due to EPA regulations in Indiana, risking not only our state's most reliable energy source but also the well-paying jobs of thousands of Hoosiers. Indiana proudly produces electricity that is 17 percent less expensive than the national average. Unfortunately, EPA's proposed approach would all but ensure an increase in electricity rates by forcing the retirement of more coal-powered electric generating units, which would have an adverse ripple effect on our businesses and families that rely on affordable and reliable electricity.

Only by EPA making an effort to hold a listening session in Indiana, and a public hearing on its new power plant rule, will EPA be more fully informed about issues associated with its current approach and be in a better position to rethink its plans before finalizing such significant policies.

My office would be pleased to assist EPA in securing an appropriate venue in Indiana.

Respectfully,



Michael R. Pence  
Governor of Indiana

Greg Zoeller, Attorney General of Indiana  
The Honorable Daniel Coats, U.S. Senator  
The Honorable Joe Donnelly, U.S. Senator  
The Honorable Peter Visclosky, Member, U.S. House of Representatives  
The Honorable Jackie Walorski, Member, U.S. House of Representatives  
The Honorable Marlin Stutzman, Member, U.S. House of Representatives  
The Honorable Todd Rokita, Member, U.S. House of Representatives  
The Honorable Susan Brooks, Member, U.S. House of Representatives  
The Honorable Luke Messer, Member, U.S. House of Representatives  
The Honorable André Carson, Member, U.S. House of Representatives  
The Honorable Larry Bucshon, Member, U.S. House of Representatives  
The Honorable Todd Young, Member, U.S. House of Representatives



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Michael R. Pence  
Governor

January 21, 2014

Administrator Regina A. McCarthy  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Room 3000  
Washington, DC 20460  
Email: [Mccarthy.gina@epa.gov](mailto:Mccarthy.gina@epa.gov)

Dear Administrator McCarthy:

As Governor of the State of Indiana, I am concerned about the U.S. Environmental Protection Agency's (EPA) proposed rule announcement that would significantly reduce the volumes of corn-based ethanol and biodiesel produced in the U.S., specifically in Indiana.

This announcement, if implemented, will hinder Indiana's development efforts to sustain and grow jobs in rural communities across the state. The growth of our state's ethanol and biodiesel industry in the last nine years has reinvigorated 13 communities, directly and indirectly, and created more than 3,000 jobs.

The proposed reduction in ethanol volume is almost equivalent to the total ethanol production by Indiana's 13 plants. The potential damage to soy-based biofuels is even more significant and threatens the nation's largest biodiesel plant, which is located here in Indiana. Hoosier farmers report that this proposed change comes after they have harvested their 2013 crop and made plans for delivery to our ethanol and soy biodiesel plants. This leaves them trying to figure out how to adjust to this unanticipated market reduction.

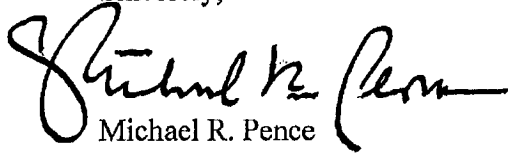
Because ethanol represents the second largest market for Indiana corn farmers, the EPA's proposal represents a severe shift in rural economic policy in our state. It has already had a chilling effect on those companies who are pursuing second generation biofuels from biomass, and if implemented, it would halt investment in additional infrastructure that would lead to more jobs in America's heartland. In addition, corn prices have been dropping steadily in recent months and are now approaching the farmers' cost of production, which is further evidence that now is a bad time to abruptly alter the market for corn.

My concerns about the EPA's proposal are sincere and heartfelt, and so is my interest in working with you on a sensible resolution. We share the goal of offering consumers more fuel choices, and renewable fuels are on the cusp of solidifying their role in

achieving that goal. Blender pump installations are increasing, as is the number of flex-fuel vehicles available to consumer. Just as we have seen in many other industries, the biofuels industry continues its steady advancements with new technologies that make such production ever more efficient and valuable to many markets and customers. I encourage the ethanol industry to continue making technological strides in process, development, and use, and I ask that the EPA work together with industry leaders on a solution that advances both parties' long-term objectives. The long term future is bright for these fuels and the technology behind them, and I believe we can work together to make that future a reality.

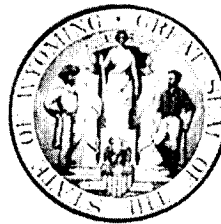
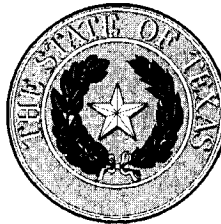
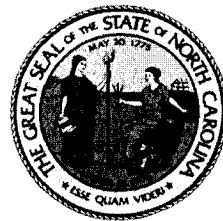
Administrator McCarthy, I urge the EPA to halt this proposed action and work with us and other interested stakeholders in rural America to find ways to continue growing America's biofuels industry and increasing our nation's energy security.

Sincerely,



Michael R. Pence  
Governor of Indiana

cc: Tom Vilsack, Secretary, United States Department of Agriculture



June 16, 2014

Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

As Governors leading diverse States that both produce and consume energy, we ask that you pursue a pragmatic energy policy that balances our nation's economic needs, energy security, and environmental quality objectives.

As you know, the energy industry is a major source of job creation in our country, providing employment to millions of our citizens and bolstering U.S. economic competitiveness. America was able to meet almost 90 percent of its energy needs last year—the most since March 1985—in large part because of increased domestic energy production. We take pride in the fact that domestic production largely powers America and increasingly other economies as well, helping to eradicate poverty and to provide political stability around the globe.

Development of our resources has put more money in the pockets of working families and has helped the poor and elderly on fixed incomes, who can now more easily afford to run their air conditioning in the heat of the summer. For example, American natural gas production is reducing average retail electricity prices by 10 percent, saving households, on average, nearly \$1,000 per year between 2012 and 2015.

This significant accomplishment of increased U.S. energy independence, with its associated economic and health benefits, has been achieved largely by State policies—despite redundant and burdensome

federal regulation. Your proposed rules for regulating greenhouse gas (GHG) emissions from existing power plants and redefining the Waters of the United States (WOTUS) would unnecessarily expand federal authority over the States in energy policymaking and risk undermining our success.

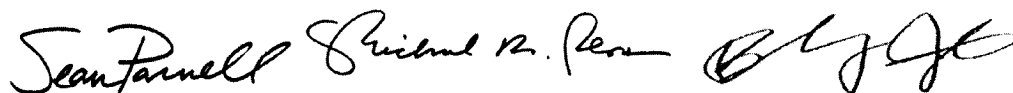
In an unprecedented move, your GHG emissions plan would largely dictate to the States the type of electricity generation they could build and operate. In addition, you seek to essentially ban coal from the U.S. energy mix. Your pursuit of this objective will heavily impact those of our states that rely primarily on coal for electricity generation—such a decision should not be made by unaccountable bureaucrats. Your Administration is also pushing for Washington to seize regulatory control of nearly all waters located in the States by expanding the definition of WOTUS. If successful, the federal government would become the arbiters of how our citizens, State highway departments, county flood control and storm water agencies, utilities, irrigation districts, and farmers use their water and their land.

Although we are still examining the impacts of the GHG proposal released on June 2 and the proposed expansion of WOTUS, we can confidently say that, according to the best available data, millions of jobs will be lost and billions of dollars will be spent over the coming decades in an effort to comply with these and other federal regulations. And those numbers stand to increase with every tightening of those standards – hitting particularly hard working families, poor, and elderly.

Perhaps most disturbing is the fact that your Administration is content to force Americans to bear these substantial costs where there are highly questionable associated environmental benefits. In fact, your EPA Administrator admitted during testimony to the U.S. Senate that there would be no climate mitigation benefits to America pursuing unilateral action. Moreover, in 2008, you personally guaranteed that under your energy plan, “electricity rates would necessarily skyrocket.” You admitted that your energy plan would have the following impact: “[Energy industries] would have to retrofit their operations—that will cost money. They will pass that money onto consumers.”

You rightly acknowledge that American citizens will literally pay the price of your energy agenda. They will also pay the price in the form of lost jobs and less reliable electricity. As representatives of the citizens who stand to lose so much while gaining next to nothing, it is our duty to confront this issue and to ask that you rescind the regulations you have put forth. Disposing of these regulations will protect Americans from the costs and burdens the rules would impose upon them and will ensure the continuation of America’s energy renaissance, which is indispensable to our country’s economic recovery and job creation and which is largely a result of State policies.

Sincerely,

The image shows three handwritten signatures in black ink. From left to right: Sean Parnell, Michael R. Pence, and Bobby Jindal. The signatures are fluid and cursive.

Governor Sean Parnell  
Alaska

Governor Mike Pence  
Indiana

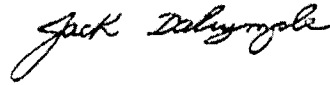
Governor Bobby Jindal  
Louisiana



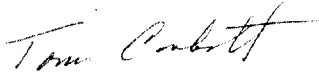
Governor Phil Bryant  
Mississippi



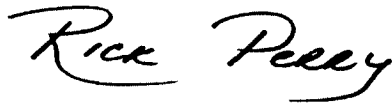
Governor Pat McCrory  
North Carolina



Governor Jack Dalrymple  
North Dakota



Governor Tom Corbett  
Pennsylvania



Governor Rick Perry  
Texas



Governor Matthew H. Mead  
Wyoming



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Michael R. Pence  
Governor

November 14, 2014

The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

The Honorable John McHugh  
Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310

Via email to: [ow-docket@epa.gov](mailto:ow-docket@epa.gov)

Re: Definition of "Waters of the United States" Under the Clean Water Act Proposed Rule:  
Docket ID No. EPA-HQ-OW-2011-0880

Dear Administrator McCarthy and Secretary McHugh:

We write to share our deep concerns about the proposed rule defining the scope of "waters of the United States" protected under the Clean Water Act (CWA) that was released on March 25, 2014, by the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) (collectively, the "Agencies"). We urge the Agencies to withdraw the proposed rule and re-engage stakeholders to craft a set of rules that creates clarity, not confusion.

In the wake of recent U.S. Supreme Court cases, regulated industries and state regulators needed clarification about which waters are subject to the federal CWA and which remain under state jurisdiction. Clarification would bring greater certainty and predictability, and, to the extent that the Agencies seek to provide clarity, it is a goal worthy of pursuit.

However, the proposed rule does not advance this goal. Instead, the proposed rule has created confusion among stakeholders. Many stakeholders in Indiana, most notably our agriculture and energy industries, believe that the proposed rule expands the scope of federal regulation. Our agriculture industry is particularly concerned that the proposed rule expands federal jurisdiction over wet features, rendering normal farming practices like fence construction and drainage maintenance subject to federal permitting requirements. We cannot stand idly by and allow this result.

Indiana's agriculture industry is working hard to help feed the world with 83 percent of land devoted to farms and forests and ranking 8<sup>th</sup> nationally in agriculture exports. Yet, agriculture finds its efforts thwarted by increasing federal regulation. Recent examples include changes to child labor laws and dust mitigation.

Similarly, Indiana's energy industry finds itself under siege from a barrage of federal regulations. Indiana is the top manufacturing state in the country by percentage of state gross domestic product, and we need a strong energy industry to provide affordable, reliable power for our economy. Their work is made more difficult by ever expanding, new and proposed federal regulations, including regulations on mercury and air toxin emissions, coal ash disposal, cooling water intake, and limitations on carbon dioxide emissions at new and existing power plants. Agriculture and energy are not alone in their concern. Builders, developers, manufacturers, and other stakeholders all fear that the proposed rules represent an expansion of federal jurisdiction. Given the federal government's recent proclivity for new regulations that increase the size and scope of the federal government, we share their fears.

We firmly believe that solutions to the challenges we face will most effectively emanate from our state capitals, not Washington, D.C. In Indiana, we are growing our economy, creating jobs, and feeding the world by eliminating bureaucratic red tape and reducing the size of government. We believe that Indiana knows best how to protect its waters, and we believe that the proposed rules inhibit Indiana's ability to manage its own affairs.

We respectfully urge the Agencies to withdraw the proposed rules, re-engage stakeholders, and prepare a set of proposed regulations that provide the clarity needed while establishing an appropriate balance between state authority and federal jurisdiction. We also draw the Agencies' attention to the comment letter filed by our Indiana Department of Environmental Management and Indiana State Department of Agriculture for further delineation of Indiana's concerns with the proposed rules.

Sincerely,



Michael R. Pence  
Governor of Indiana



Sue J. Ellspermann  
Lt. Governor and Secretary of Agriculture



## Indiana Department of Environmental Management

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)



## Indiana State Department of Agriculture

One North Capitol Avenue, Suite 600 • Indianapolis, IN 46204  
(317) 232-8770 • [www.isda.IN.gov](http://www.isda.IN.gov)

November 14, 2014

Mr. Ken Kopocis  
Deputy Assistant Administrator for Water  
United States Environmental Protection Agency  
Office of Water  
William Jefferson Clinton Building  
1200 Pennsylvania Ave NW, MC 4101M  
Washington, DC 20460

Ms. Jo Ellen Darcy  
Assistant Secretary of Army (Civil Works)  
U.S. Army Corps of Engineers  
108 Army Pentagon, Room 3E446  
Washington, DC 20310-0108

*Via email to: [ow-docket@epa.gov](mailto:ow-docket@epa.gov)*

Re: Definition of "Waters of the United States" Under the Clean Water Act Proposed  
Rule: Docket ID No. EPA-HQ-OW-2011-0880

Dear Deputy Assistant Administrator Kopocis and Assistant Secretary Darcy:

The Indiana Department of Environmental Management (IDEM) and the Indiana State Department of Agriculture (ISDA) value the opportunity to provide the U.S. Environmental Protection Agency (U.S. EPA) and the U.S. Army Corps of Engineers (Corps) with comments on the proposed national rulemaking *Definition of "Waters of the United States" Under the Clean Water Act* (79 Fed. Reg. 22188, April 21, 2014) (hereinafter, "Proposed Rule"). IDEM is responsible for the daily implementation of the Clean Water Act (CWA) water quality programs in Indiana, and ISDA serves as an advocate for Indiana agriculture at the local, state, and federal level.

The Proposed Rule falls far short of the clarity ostensibly sought by its promulgation, and multiple procedural errors only serve to enflame the significant angst instilled in the regulated community. These procedural and substantive shortcomings require the withdrawal of the Proposed Rule. Accordingly, and pursuant to the reasons that follow, Indiana respectfully requests that the U.S. EPA and the Corps (hereinafter, the "Agencies") withdraw the Proposed Rule and work with the States, as co-regulators,



and all stakeholders, including regulated industry, to draft regulations that provide the clarity needed.

**1. The Proposed Rule is premature and inappropriately relies on the draft Connectivity Report.**

The U.S. EPA relied on a draft report entitled "*Connectivity of Streams and Wetlands to Downstream Waters: a Review and Synthesis of the Scientific Evidence*" for the scientific support for the Proposed Rule. However, this report had not been released when the Proposed Rule was issued, and it still has not been adequately peer-reviewed. It is extremely difficult, if not impossible, to appropriately respond to, and comment on, a proposed rule based on a draft scientific study. The Proposed Rule should be withdrawn and held until after the report is finalized and has undergone a thorough peer-review process.

Furthermore, we are concerned that the draft report relies on studies that conclude that waters are connected through the movement of birds, animals, and insects. In *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC), 531 U.S. 159, 174 (2001), the Supreme Court rejected this type of connection as a basis for federal jurisdiction, stating it "would result in a significant impingement of the States' traditional and primary power over land and water use." We are also concerned that the draft report relies on studies of the impacts of storing water to assert that water is connected. Storage of water implies choices regarding water allocation that Congress expressly left to the States under section 101(g) of the Clean Water Act. If the draft report is to be used as a basis for establishing the Waters of the United States rule, studies unrelated to water quality should be removed from the report.

**2. The Agencies failed to adequately engage affected stakeholders.**

IDEM and ISDA are disappointed in the development and rollout of the Proposed Rule. Executive Order 13132, Section 3(c), notes that "With respect to Federal statutes and regulations administered by the States, the national government shall grant the States maximum administrative discretion possible." Section 3(d) requires agencies to consult with State and local officials in developing standards and where possible, defer to States. This is known as a federalism review. EPA and the Corps did not perform a federalism review, nor did they adequately engage the States, as co-regulators, in development of the Proposed Rule language. Only after the Proposed Rule was published did the U.S. EPA and the Corps hold meetings, conference calls and webinars to explain the intent of the rule. Even after those meetings, the intent and effect of the Proposed Rule was unclear with Agencies' staff frequently answering questions with, "We don't know" and "We'll have to figure that out." As an agency responsible for implementing Section 401 of the CWA, IDEM insists that states should have been consulted during the development of the Proposed Rule.

The Agencies also failed to consult with states on the financial impact of the Proposed Rule. The economic analysis for the Proposed Rule presumes no new economic burden on State agencies. In issuing a new rule proposal, the Agencies must include any additional costs that the States will incur to carry out their water quality programs and permitting programs as a result of the rule.

While we agree that in the wake of *Rapanos v. United States* there was a need to clarify the applicability of the CWA to certain waters, we contend that if the Agencies had conducted a federalism review and consulted with state and local officials, many of the misunderstandings regarding the intent of the proposal could have been avoided. The Proposed Rule must be withdrawn to comply with Executive Order 13132 and to allow the Agencies time to adequately engage affected stakeholders.

**3. The Interpretive Rule guidance complicates the Proposed Rule and should be revoked.**

The Interpretive Rule limits the applicability of Section 404(f) of the CWA. Although we recognize the Agencies' belief that the related Interpretive Rule broadens the exemptions to landowners, in reality, the Interpretive Rule only obfuscates the intent. The Interpretive Rule would not be necessary but for the expanded federal jurisdiction under the Proposed Rule.

Congress has already established permitting exemptions for farming and conservation practices. The Interpretive Rule raises the concern that normal farming practices not listed in the rule will require a permit. Additionally, it increases the cost of practices that are listed by requiring compliance with NRCS standards. Finally, the Interpretive Rule does not provide protection, even for listed activities that do comply with NRCS standards, because under the Proposed Rule's definition of waters of the U.S., planting and plowing could be considered activities that affect "the flow and circulation of waters of the United States. Both the Proposed Rule and the Interpretive Rule guidance should be withdrawn.

**4. The Proposed Rule seeks to regulate many waters already regulated by Indiana.**

The states know best how to protect the waters of their state. The U.S. Supreme Court has noted that:

"Congress passed the CWA for the stated purpose of 'restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.'...In so doing, Congress chose to 'recognize, preserve, and

protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution....”<sup>1</sup>

Admittedly, *Rapanos* leaves open the jurisdictional limitations under the CWA, but this open question should be resolved in favor of the states. State regulators are more familiar with and accountable to their regulated industries than distant federal regulators. We do not need this additional layer of federal regulation in order to realize the goal of the CWA. Indiana can get there on its own. The Proposed Rule should be withdrawn so that Indiana can seek the right solutions for Indiana.

**5. The Proposed Rule does not add complete clarity to what is regulated.**

Indiana prefers rules over guidance for both clarity and enforceability. We find the inclusion of specific exceptions/exemptions/exclusions in addition to those permitting exemptions already existing in Section 404(f) of the Clean Water Act useful. If, during implementation, these exceptions are treated as iron clad and not second guessed, the added specificity will expedite the determination of the need for, and the issuance of, some 401 water quality certifications. However, we stress that the exemptions and other important aspects of the final rule must be clarified.

**a. The final rule must clarify the full scope of the exemption for a waste treatment system and other waste management systems.**

Indiana agrees that “waste treatment systems, including treatment ponds and lagoons, designed to meet the requirements of the Clean Water Act” are not waters of the U.S. Yet, the proposed rule creates confusion over this provision by adding a comma after “lagoons” thereby implying that all waste treatment systems must be designed to meet Clean Water Act requirements. This is not true today as waste treatment systems that do not discharge to waters of the U.S. are not subject to Clean Water Act requirements. The comma after “lagoons” must be removed.

Also, further definition of what is and is not included as a waste treatment system must be added. We suggest language such as: “*all components located behind the outfall of an NPDES permit*” be inserted after “lagoons” in the Proposed Rule language. Additionally, it must be clearly stated that permitted storm water collection systems (particularly MS4s) fall within the exclusion of “waste treatment systems.”

**b. The final rule must clarify the complete description of what portions of ditches are not jurisdictional.**

Regarding the exclusion of “ditches that are excavated wholly in uplands, drain only uplands, and have less than perennial flow,” the Agencies should clarify in the final

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<sup>1</sup> Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers (2001)

rule that such ditches that drain uplands, but do eventually discharge to waters of the U.S. are not jurisdictional throughout the portion of the ditch that is upstream of the traditional waters of the United States defined in proposed (a)(1) through (a)(5). Additionally, a definition of upland should be included in the final rule that clarifies that upland is all land other than wetlands even when rainfall results in ponding of water in flat areas. Further, manmade drainage ditches that drain uplands only should not be jurisdictional regardless of the number of months it holds water. Finally, a landowner should be able to use a ditch to drain a non-jurisdictional water, such as a private pond or prior converted cropland, without turning that water body into a water of the U.S.

**c. The final rule must clarify the definition of “significant nexus.”**

IDEM and ISDA have concerns with the use of the term “significant nexus” in the Proposed Rule. First, the courts are split as to whether significant nexus is the proper test under *Rapanos*, and, therefore, we question its inclusion in the Proposed Rule. Such a term should not be used to justify federal jurisdiction over broad categories of water such as ephemeral water, or to bring “other waters” under federal control. Alternatively, if the significant nexus test is to be implemented, it must be as clear as possible. We urge a simplification of the language that accurately reflects the Supreme Court’s decision in *Rapanos*. In his description of significant nexus, Justice Kennedy identified waters that “affect, the chemical, physical, **and** biological integrity” which is critically different from saying “affect the chemical, physical, **or** biological integrity.” This definition should be coupled with the plurality’s “relatively permanent water” test to determine the extent of federal jurisdiction intended under the Clean Water Act.

**d. The final rule must clarify that connecting waters will themselves not be considered jurisdictional.**

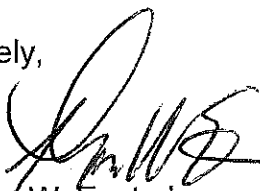
The proposed definition of “tributary” includes water that goes underground and the proposed definition of “neighboring” includes water that has a connection to navigable water only through shallow groundwater or through a “confined surface hydrologic connection.” We question the inclusion of groundwater as connecting water. Regardless of how connections are defined, the final rule must clarify that it is not the Agencies’ intent to claim jurisdiction over the connecting features themselves

**e. The final rule must clarify the status of existing jurisdictional determinations.**

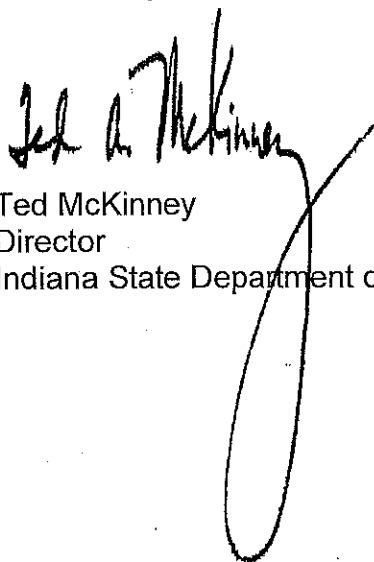
The Proposed Rule does not address the status of existing jurisdictional determinations. It is important that the Agencies are clear on how jurisdictional/non-jurisdictional determinations made prior to the effective date of the final rule will be grandparented in for implementation of projects.

**Indiana reiterates that the appropriate course of action is to withdraw the Proposed Rule and work with stakeholders to develop revised regulatory language that provides clarity without overreach.** We encourage continued dialogue with the States, including Indiana, as the Agencies work to develop clear, implementable language for future reproposal and public comment. In the long run, Indiana believes that such a process will speed the completion of the regulatory process and result in an implementable final rule that provides the clarity the Agencies are seeking.

Sincerely,



Thomas W. Easterly  
Commissioner  
Indiana Department of Environmental Management



Ted McKinney  
Director  
Indiana State Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 07 2016

THE ADMINISTRATOR

The Honorable Mike Pence  
Governor of Indiana  
State House  
Room 206  
Indianapolis, Indiana 46204-2797

Dear Governor Pence:

I am writing to follow up my letter of February 29, 2016, asking that your state work with the EPA to address deficiencies and improve transparency and public information regarding the implementation of the Lead and Copper Rule (LCR).

Every state has expressly confirmed – either in its initial response to the February 29 letters or in follow-up communications with the EPA – that state protocols and procedures are fully consistent with the LCR and applicable EPA guidance, including protocols and procedures for optimizing corrosion control, and that the state has already posted or will post state LCR sampling protocols and guidance to their public websites. EPA staff will be following up with every state to ensure that these protocols and procedures are clearly understood and are being properly implemented to address lead and copper issues at individual drinking water systems, and to offer EPA assistance if needed. In addition, we will continue to work with states to ensure that lead action level exceedances and LCR violations are promptly and appropriately addressed. I urge you to continue to support your state's efforts in this area.

I am attaching a letter Joel Beauvais, Deputy Assistant Administrator for Water, sent to state environmental and public health commissioners through the Environmental Council of States and the Association of State and Territorial Health Officials. As noted in this letter, a number of states' responses to EPA's February 29 letters identified practices and policies that enhance the implementation of the LCR and increase public transparency. These include posting individual sampling results on a public website, shortening the reporting and notice timeframes under the LCR, providing the public with information on lead service line locations, and working with drinking water systems, school boards and departments of education to identify and address lead risks at schools. I encourage all states to learn from each other and urge you to support your state agency in implementing best practices that strengthen public health protection and promote transparency.

I want to acknowledge that there is also important work to be done to strengthen the LCR, and that certain systems will need continued assistance and oversight while we work with the states to develop proposed revisions to the rule. In the interim, the EPA will continue to work closely with the states to ensure that the proper steps are being taken to implement the current rule and protect the public from harmful exposures to lead and copper in drinking water.

Again, thank you for your active engagement as we work to strengthen the protection of our nation's drinking water. Please do not hesitate to contact me, or your staff may contact Mark Rupp, Deputy Associate Administrator for the EPA's Office of Congressional and Intergovernmental Relations, at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or (202) 564-7178.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gina McCarthy", with a stylized, cursive script.

Gina McCarthy

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**JAN 15 2014**

THE ADMINISTRATOR

The Honorable Michael R. Pence  
Governor of Indiana  
Office of the Governor  
State House, Second Floor  
Indianapolis, Indiana 46204

Dear Governor Pence:

Thank you for your letter of November 1, 2013, requesting that the U.S. Environmental Protection Agency hold a listening session in Indiana on reducing carbon pollution from existing power plants and a public hearing on the EPA's proposed rule for carbon pollution standards for new power plants.

The agency is working diligently to address carbon pollution from power plants. In June 2013 President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. His call included a directive for the EPA "to work expeditiously to complete carbon pollution standards for both new and existing power plants." Currently, there are no federal standards in place to reduce carbon pollution from the country's largest source. The President also directed the EPA to work in partnership with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public on issues informing the design of carbon pollution standards for power plants.

In September, the EPA proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired plants. These proposed standards are practical, flexible, achievable, and ensure that power companies investing in new fossil fuel-fired power plants will use modern technologies that limit emissions of harmful carbon pollution. The EPA will finalize these standards in a timely manner, after considering public comments on the proposal. There will be a 60-day comment period beginning when the proposal is published in the *Federal Register*, and we will hold a public hearing on this proposal. I encourage you to share this information widely and look forward to receiving your comments as well as those of your constituents.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including Indiana. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing nearly every state and a broad range of stakeholders, including many from the coal industry. In addition, the EPA leadership and senior staff in Washington, D.C., and our ten regional offices have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country, including Indiana; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments, and

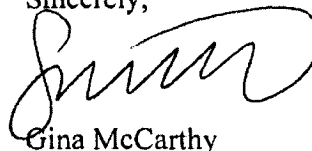
state public utility commissions. We are doing this because we want—and need—all available information about what is important to and unique about each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences. To this end, we welcome feedback and ideas from you as well as your fellow Hoosiers about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act.

While our outreach has been among the most extensive in the agency's history, we continue to seek the views of your state's residents, and, in the spirit of partnership, welcome your assistance to use your extensive networks to solicit additional feedback. Interested stakeholders can send their thoughts through email at [carbonpollutioninput@epa.gov](mailto:carbonpollutioninput@epa.gov). Stakeholders can also learn more about what we are doing at [www.epa.gov/carbonpollutionstandard](http://www.epa.gov/carbonpollutionstandard). I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or (202) 564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, stylized loop at the end.

Gina McCarthy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MAR 12 2014**

THE ADMINISTRATOR

The Honorable Michael R. Pence  
Governor of Indiana  
State House, Second Floor  
Indianapolis, Indiana 46204

Dear Governor Pence:

Thank you for your letter dated January 21, 2014, regarding the 2014 volume requirements under the Renewable Fuel Standard program.

On November 29, 2013, the U.S. Environmental Protection Agency published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. Your letter has been placed in the rulemaking docket, and we will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations, at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or (202) 564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over a horizontal line.

Gina McCarthy



JAN 15 2015



The Honorable Michael R. Pence  
Governor of Indiana  
State House, Second Floor  
Indianapolis, Indiana 46204

Dear Governor Pence:

Thank you for your letter dated November 14, 2014, to the U.S. Environmental Protection Agency and the Department of the Army providing comments on the proposed rule, "Definition of 'Waters of the United States' Under the Clean Water Act."

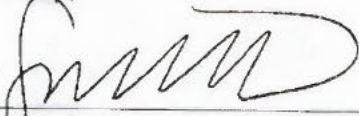
The perspectives of you and your state colleagues are critical to our agencies' efforts to protect clean water. Even before releasing the proposed rule, our agencies began engaging with our stakeholders about how to clarify protection for streams and wetlands under the Clean Water Act. Specifically, since 2011, we have been discussing these changes with our state and tribal partners, the regulated community, and the general public. Our ultimate decision to pursue a rulemaking was in direct response to this earlier engagement and requests from members of Congress, state and local officials, industry, agriculture, environmental groups, and the public.

Since the proposed rule was published on April 21, 2014, the EPA and the Army have participated in more than 400 meetings with stakeholders, including states and state organizations, to better understand their perspectives on the proposed rule. The agencies' close coordination with states continued during the public comment period through a series of conference calls organized by both the Association of Clean Water Administrators and the Environmental Council of the States, helping the agencies to hear valuable state perspectives.

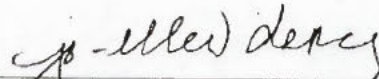
The agencies are committed to carefully reviewing the approximately 800,000 written comments we have received on the proposed rule. Those comments, including your letter, are in the official docket, identified by Docket ID EPA-HQ-OW-2011-0880 at <http://www.regulations.gov>. The states are vital partners in the implementation of Clean Water Act programs, and we will continue our close coordination as we work to develop a final rule.

Thank you again for your letter. If you have further questions or concerns, please contact us, or your staff may contact Mr. Mark Rupp in the EPA's Office of Congressional and Intergovernmental Relations at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or (202) 564-7178, or Mr. Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at [charles.r.smith567.civ@mail.mil](mailto:charles.r.smith567.civ@mail.mil) or (703) 693-3655.

Sincerely,



Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency



Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
Department of the Army



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 12 2015

THE ADMINISTRATOR

The Honorable Mike Pence  
Governor of Indiana  
State Capitol  
Indianapolis, Indiana 46204

Dear Governor Pence:

Thank you for your letter of December 1, 2014, regarding the Clean Power Plan for existing power plants that I signed on June 2, 2014, and published in the *Federal Register* on June 18, 2014.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations, at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or (202) 564-7178.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy".

Gina McCarthy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL - 6 2016

OFFICE OF WATER

Edward P. Ehlinger, President  
Sharon Moffatt, Interim Executive Director  
Association of State and Territorial Health Officials  
2231 Crystal Drive Suite 450  
Arlington, VA 22202

Martha Rudolph, President  
Alexandra Dunn, Executive Director  
Environmental Council of States  
50 F Street, NW, Suite 350  
Washington, DC 20001

Dear ECOS and ASTHO leaders:

I am writing to follow up on your members' responses to the EPA's February 29, 2016, letters to state primacy agencies asking that states continue to work collaboratively with the EPA to address deficiencies and improve transparency and public information regarding the implementation of the Lead and Copper Rule (LCR).

At this time, every state has expressly confirmed – either in its initial response to the February 29 letters or in follow-up communications with the EPA – that state protocols and procedures are fully consistent with LCR and applicable EPA guidance, including protocols and procedures for optimizing corrosion control, and that the state has already posted or will post state LCR sampling protocols and guidance to their public websites. The EPA staff will be following up with every state to ensure that these protocols and procedures are clearly understood and are being properly implemented to address lead and copper issues at individual drinking water systems, and to offer EPA assistance if needed. In addition, the EPA staff will continue to engage with states to ensure that lead action level exceedances and LCR violations are promptly and appropriately addressed.

Many of the responses from state commissioners identified practices and policies that enhance the implementation of the LCR and increase public transparency. I encourage all states to continue to learn from one another and to implement best practices that strengthen public health protections. To this end, I would like to highlight some of the promising practices identified in state responses:

#### *Promoting Transparency at State and Public Water Systems:*

- A substantial number of states report that they are already posting individual lead compliance sampling results, not just 90<sup>th</sup> percentile values, on their public websites utilizing Drinking Water Watch or similar database tools.
- Some drinking water systems are providing online searchable databases that provide information on known locations of lead service lines, or providing videos that show homeowners how to determine whether their home is served by a lead service line.

#### *Shortening Reporting and Notice Timeframes*

- Some states have adopted more stringent timelines for water systems to provide consumer notices to all who receive water from sites that were sampled and resulted in a lead action level exceedance. While the LCR allows up to 30 days, some states are requiring notice to consumers as quickly as 48 hours after sampling.
- Some states require laboratories that analyze lead compliance samples to contact the state within 24 hours of confirming that a sample analysis has exceeded the 15 parts per billion action level for lead.

#### *Enhancing Rule Implementation:*

- Several states are requiring their public water systems to update their “materials evaluations”, to increase understanding of lead service line locations and ensure an adequate pool of “Tier 1” locations (meaning locations with known lead service lines or lead plumbing) for LCR compliance sampling.
- Several states are identifying funding mechanisms, such as the Drinking Water State Revolving Fund (DWSRF), to help communities replace lead service lines by providing principal forgiveness and low interest loans and/or maximizing the DWSRF set-asides to fund corrosion control studies when an action level exceedance is triggered.

#### *Additional Actions*

- Several states are working with local drinking water systems to partner with local school boards and departments of education to sample and replace old drinking water fountains and fixtures at schools.
- Some states are increasing the availability of water testing, health screenings and blood lead level testing to residents.

Although many states have provided examples of best practices that go beyond the minimum rule requirements, other states have identified challenges with some of these same activities. In particular, a number of states identified problems with posting individual lead samples because of limited information technology resources and/or concerns with privacy and security. However, the substantial number of states that are posting individual sample results indicates that these challenges can be overcome. The EPA believes that posting of individual

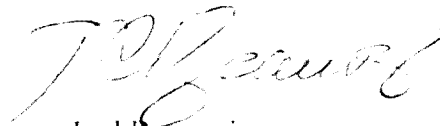
sampling results is important for public transparency and intends to work with states that are not yet posting individual sample results – to share lessons learned from states that are already doing so, and to urge all states to adopt this practice.

We are concerned that many states have identified challenges related to lead service line inventories. Improving lead service line inventories is important in ensuring that systems are taking lead samples from valid Tier 1 sites, as required under the LCR, as well as for effective management of risks associated with lead service line disruption, and for providing information to customers on how to assess and mitigate risks from these lines. We are encouraged that some states have identified examples of systems providing online searchable databases of lead service lines, or have committed to working with systems to develop updated inventories. The EPA will continue to work with states to ensure that identification of the locations of LSLs remains a priority for the nation's drinking water systems.

The EPA recognizes that there is also important work to be done to strengthen the LCR, and we look forward to working with the states as we develop the proposed rule revisions. In the interim, the EPA will continue to work closely with the states to ensure that the proper steps are being taken to implement the current rule and protect the public from harmful exposures to lead and copper in drinking water. The EPA strongly encourages states to continue to seek effective strategies and actions to improve address lead in drinking water. Continuing to enhance public transparency and accountability is critical to reassure the public of our continuing work to protect the nation's drinking water.

Again, thank you for your active engagement in this important effort. Please do not hesitate to contact me, or Mark Rupp, Deputy Associate Administrator for the EPA's Office of Intergovernmental Relations, at [rupp.mark@epa.gov](mailto:rupp.mark@epa.gov) or 202-564-7178.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Beauvais", written in a cursive style.

Joel Beauvais

Deputy Assistant Administrator

cc: Peter Grevatt, Director, Office of Ground Water and Drinking Water, US EPA  
Jim Taft, Executive Director, Association of State Drinking Water Administrators